

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 PM-09 INR-10 L-03 NEA-10

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INFO SECDEF WASHDC

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AMEMBASSY LUXEMBOURG

AMEMBASSY THE HAGUE

USMISSION NATO BRUSSELS

USNMR SHAPE

USCINCEUR

C O N F I D E N T I A L SECTION 1 OF 2 BRUSSELS 2213

E. O.11652: GDS

TAGS: MARR, US, BE

SUBJECT: US LINE OF COMMUNICATIONS (LOC)

IN BELGIUM - GENERAL TECHNICAL AGREEMENT

1. SUMMARY: DURING THE PAST YEAR, US- BELGIAN NEGOTIATIONS HAVE PRODUCED A DRAFT LOC GENERAL TECHNICAL AGREEMENT THAT FULFILLS MOST US DESIDERATA AND IS APPARENTLY AS SATISFACTORY AS WE ARE LIKELY TO GET. WHILE WE HAVE BEEN UNABLE TO GAIN ACCEPTANCE OF SPECIFIC LANGUAGE COVERING TAXES AND DUTIES, EUCOM AND THE EMBASSY BELIEVE WE ARE ADEQUATELY PROTECTED BY THE TERMS OF THE LOC UMBRELLA AGREEMENT. IN VIEW OF SUBSTANTIAL DIFFERENCES FROM THE PREVIOUSLY APPROVED DRAFT, THE EMBASSY REQUESTS DEPARTMENT APPROVAL OF THE DRAFT REPRODUCED BELOW. END SUMMARY.

2. SINCE THE SUBMISSION TO THE BELGIANS OF THE US DRAFT OF THE LOC GENERAL TECHNICAL AGREEMENT ON APRIL 26, 1972 (PER STATE 71598 OF CONFIDENTIAL

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APRIL 25), EUCOM REPRESENTATIVES, IN CONSULTATION WITH THE EMBASSY AND MAAG, HAVE ENGAGED IN EXTENSIVE NEGOTIATIONS WITH OFFICIALS FROM ALL MINISTRIES CONCERNED. THE LATEST DRAFT, DATED APRIL 11, 1973, AND QUOTED BELOW, IN OUR OPINION DIFFERS SUFFICIENTLY FROM THE EARLIER VERSION TO REQUIRE DEPARTMENT' S APPROVAL BEFORE SIGNATURE.

3. THENEW DRAFT IS CONSIDERABLY SHORTER THAN THE US DRAFT OF APRIL 1972, AS A RESULT OF SEVERAL DELETIONS UPON WHICH THE BELGIANS HAVE INSISTED ON THE GROUNDS THAT THE DELETED PROVISIONS ARE COVERED ELSE

WHERE (IN THE NATO STATUS OF FORCES AGREEMENT OF 1951 OR THE LOC UMBRELLA AGREEMENT OF 1971.)

4. THE PRINCIPAL STUBLING BLOCK IN THE NEGOTIATIONS HAS BEEN THE QUESTION OF DUTIES AND TAXES COVERED IN PARA 3, A. OF BOTH THE OLD AND

NEW DRAFTS. THE FORMER WAS UNACCEPTABLE TO THE BELGIANS, AND THE LATTER IS THE ABSOLUTE MAXIMUM THEY WILL AGREE TO IF THE SUBJECT IS TOO

BE COVERED AT ALL IN THE GENERAL TECHNICAL AGREEMENT. WE BELIEVE, HOWEVER, THAT THE PHRASE " AND THOSE INTERNATIONAL AGREEMENTS WHICH

HAVE BEEN APPROVED BY BELGIAN LAWS", APPEARING IN THE NEW DRAFT, COULD BE USED BY THE BELGIANS TO DISCLAIM THE VALIDITY OF THE MEMORANDUM OF MARCH 14, 1952 ON RELIEF FROM TAXES AND DUTIES, WHICH WAS NEVER SUMMITTED TO PARLIAMENT FOR APPROVAL BUT WHICH THE US HOLDS AS AN INTERNATIONAL AGREEMENT FULLY IN FORCE. THE ONLY ALTERNATIVE SOLUTION AGREEABLE TO BOTH THE BELGIANS AND EUCOM IS DELETION OF PARA 3. A. ALTOGETHER, LEAVING THE SUBJECT OF DUTIES AND TAXES TO BE CONTROLLED BY THE MEMORANDUM OF MARCH 14, 1952, CITED IN THE UMBRELLA AGREEMENT. (THE BELGIANS HAVE TOLD US IN THE PAST THAT THE FACT THAT THE MEMORANDUM OF MARCH 14, 1952 WAS NEVER APPROVED BY PARLIAMENT CREATES DIFFICULTY FOR THE GOVERNMENT, BUT THEY HAVE GRUDGINGLY ADMITTED ITS VALIDITY AS A SIGNED BILATERAL UNDER

TAKING, WITNESS ITS MENTION IN THE UMBRELLA AGREEMENT.)

5. EUCOM IS OF THE OPINION THAT THE DRAFT QUTOED BELOW, MINUS PARA 3. A., IS THE BEST THAT CAN BE OBTAINED AND THAT FURTER ATTEMPTS BY THE US TO REINTRODUCE LANGUAGE FROM THE US DRAFT SUBMITTED TO THE BELGIANS ON APRRIL 26, 1972 WOULD RESULT IN A BELGIAN RESPONSE LESS FAVORABLE TO THE US INTERESTS THAN THE NEW DRAFT QUOTED BELOW. MORE-

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OVER, EUCOM BELIEVES THAT THE DELETION DURING NEGOTIATIONS OF PROVISIONS ORIGINALLY PROPOSED BY THE US WILL NOT BE DETRIMENTAL TO

US INTERESTS OR ADVERSELY AFFECT THE EFFICIENT AND JUST OPERATION OF THEUS LOC IN BELGIUM IN ALL ITS PHASES AND ASPECTS.

6. THE EMBASSY HAS NO REASON TO BELIEVE THAT THE BELGIANS WILL NOT FULLY HONOR THE TERMS OF THE LOC UMBRELLA AGREEMENT, THE NATO SOFA AND THE MEMORANDUM OF MARCH 14, 1952 WITH RESPECT TO THE PRESENCE AND OPERATION OF THE US LOC IN BELGIUM. WE RECOGNIZE THAT THE BELGIANS MIGHT ARGUE THAT THE IMPLIED US WILLINGNESS TO RELY ON THE UMBRELLA AGREEMENT PREAMBULAR REFERENCE TO THE MEMORANDUM OF MARCH 14, 1952 (WITH THE DELETION OF QUOTED PARA 3. A. BELOW) SHOULD SIGNIFY A SIMILAR WILLINGNESS TO RELY ON THE PREAMBULAR REFERENCE TO THE NATO SOFA AS CONCERNS THE PRIVILEGES AND IMMUNITIES OF INDIVIDUAL MEMBERS OF THE US LOC FORCES (SEE BRUSSELS 1082 OF MARCH 28, 1972). IN BALANCE, HOWEVER, AND TAKING INTO CONSIDERATION EUCOM' S ASSESSMENT ON NEGOTIABILITY, THE EMBASSY ENDORSES EUCOM' S VIEWS AND RECOMMENDS DEPARTMENT APPROVAL OF THE DRAFT QUOTED BELOW, WITH PARA 3. A. DELETED. MINOR NON- SUBSTANTIVE LANGUAGE REVISIONS MAY BE NECESSARY (E. G., THE LAST LINE OF PARA 4 QUOTED BELOW), AND WE PROPOSE TO ACCOMPLISH THIS HERE IN COORDINATION WITH EUCOM. SINCE THE BELGIANS HAVE INDICATED A DESIRE TO COMPLETE THE GENERAL TECHNICAL AGREEMENT BEFORE PROCEEDING WITH OTHER MORE SPECIFIC TECHNICAL AGREEMENTS, WE WOULD APPRECIATE THE DEPARTMENT' S RESPONSE AS SOON AS POSSIBLE.

7. FOR USCINCEUR. EMBASSY WOULD WELCOME CORRECTIONS IF PARAS 4 AND 5 ABOVE IN ANY WAY MISREPRESENT EUCOM' S POSITION.

8. BEGIN TEXT.

1. THE BELGIAN MINISTER OF NATIONAL DEFENSE, REPRESENTED BY THE CHEF D' ETAT MAJOR GENERAL, AND THE UNITED STATES SECRETARY OF DEFENSE, REPRESENTED BY THE DEPUTY COMMANDER- IN- CHIEF, UNITED STATES EUROPEAN COMMAND, HAVE REVIEWED THE AGREEMENT BETWEEN BELGIUM AND THE UNITED STATES OF AMERICA RELATIVE TO THE ESTABLISHMENT AND OPERATION OF THE UNITED STATES LINE OF COMMUNICATION IN BELGIUM (LOC) SIGNED ON 16 AND 19 JULY 1971, HEREINAFTER REFERRED TO AS THE " BASIC AGREEMENT OF JULY 1971". CONSIDERING THAT IT IS NECESSARY TO DEFINE THE TERMS FREQUENTLY USED IN THE OTHER TECHNICAL AGREEMENTS AND TO STATE PRECISELY THE GENERAL TERMS AND CONDITIONS UNDER WHICH THESE AGREEMENTS ARE TO BE PERFORMED THEY HAVE AGREED ON
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INFO OCT-01 ADP-00 CIAE-00 PM-09 INR-10 L-03 NEA-10

NSAE-00 PA-03 RSC-01 PRS-01 GAC-01 USIA-12 TRSE-00

MBFR-03 SAJ-01 SS-15 NSC-10 ACDA-19 IO-12 OMB-01

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FM AMEMBASSY BRUSSELS

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C O N F I D E N T I A L SECTION 2 OF 2 BRUSSELS 2213

2. DEFINITIONS:

A. UNITED STATES FORCES AND AMERICAN FORCES

THESE TERMAS ARE SYNONYMOUS AND REFER TO THE MILITARY AUTHORITIES, THE MOVEABLE PROPERTY OF THE UNITED STATES ARMED FORDESA AND, AS WELL, THE AUXILARY SERVICES ENUMERATED IN PARAGRAPHS 3 F AND 3 G OF THIS AGREEMENT, THAT ARE PRESENT IN BELGIUM FOR THE PURPOSES OF THE BASIC AGREEMENT OF JULY 1971.

B. AMERICAN MILITARY AND CIVILIAN PERSONNEL, AND PERSONNEL OF THE UNITED STATES FORCES

THESE TERMS ARE SYNONYMOUS AND REFER TO UNITED STATES MILITARY AND CIVILIAN PERSONNEL AS SET FORTH IN SUBPARAGRAPHS 1(A) AND 1(B) OF THE NATO STATUS OF FORCES AGREEMENT WHO ARE IN BELGIUM FOR PURPOSES OF THE BASIC AGREEMENT OF JULY 1971.

C. THE DEPENDENTS OF THE PERSONNEL ABOVE- MENTIONED WILL BE ACCORDED THE STATUS PROVIDED FOR DEPENDENTS IN THE NATO STATUS OF FORCES AGREEMENT.

D. FACILITIES

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LAND, INCLUDING ALL PROPERTY ATTACHED THERETO, AND ALL RIGHTS OF USE RELATING TO LAND AND PROPERTY THAT IS ALLOCATED FOR USE BY THE UNITED STATES FORCES WITHIN THE TERRITORY OF BELGIUM.

E. RESTRICTED ZONES

ZONES WITH DEFINED BOUNDARIES THAT ARE ADJACENT TO OR IN THE VICINITY OF PLANNED OR EXISTING FACILITIES OF THE UNITED STATES FORCES, AS TO WHICH THE BELGIAN MILITARY AUTHORITIES, BY MUTUAL AGREEMENT WITH THE UNITED STATES MILITARY AUTHORITIES, IMPOSE RESTRICTIONS ON THE FREE USE THEREOF TO INSURE THE SAFETY AND THE SECURITY OF THE UNITED STATES FORCES, THEIR FACILITIES, AND OPERATIONS.

3. OPERATIONAL AND ADMINISTRATIVE MATTERS:

A. GENERALLY, UNDER THE PROVISIONS OF EXISTING BELGIAN LEGISLATION, AND THOSE OF INTERNATIONAL AGREEMENTS WHICH HAVE BEEN APPROVED BY LEGIAN LAWS, THE FORCES OF THE UNTIED STATES OF AMERICA ARE EXEMPT FROM NATIONAL, REGIONAL, AND LOCAL DUTIES AND TAXES. THE EXPRESSION" DUTIES AND TAXES" ABOVE MENTIONED DOES NOT CONCERN THOSE DUTIES ANDTAXES WHICH CONSTITUTE ONLY REMUNERATION FOR SERVICES RENDERED.

B. THE UNITED STATES FORCES SHALL RETAIN OPERATIONAL CONTROLOVER THEIR PERSONNEL, MATERIAL, EQUIPMENT, SUPPLIES, AND AREAS OR INSTALLATIONS ALLOCATED TO THE US FORCES FOR THEIR USE, EXCEPT AS OTHERWISE AGREED.

C. WHEN AN AREA OR INSTALLATION IS JOINTLY USED BY THE U. S. AND BELGIAN FORCES THE NORMAL OPERATION OF THE AREA OR INSTALLATION SHALL BE AS AGREED BETWEEN THE APPROPRIATE U. S. AND BELGIAN MILITARY AUTHORITIES. EXPENDITURES FOR FACILITIES THAT ARE MADE AVAILABLE TO THE UNITED STATES FORCES (INCLUDING THOSE CONCERNED WITH TRANSPORTATION, TELECOMMUNICATIONS. ELECTRICITY, GAS AND WATER SUPPLY, AND SEWAGE DISPOSAL) AND WHICH ARE ALSO USED BY BELGIUM FOR ITS PURPOSES, INCLUDING THE COST OF UTILITIES AND SERVICES AND THE REPAIR AND MAINTENANCE THEREOF, SHALL BE APPROTIONED IN A MANNER THAT REFLECT THE EXTENT OF THE BELGIAN INTEREST OR USE, AS APPROPRIATE, AS COMPARED WITH THAT OF THE UNITED STATES FORCES. THE AMOUNT, IN EACH INDIVIDUAL CASE, SHALL BE AS MUTUALLY AGREED BETWEEN THE BELGIAN AND THE UNITED STATES MILITARY AUTHORITIES.

D. BY MUTUAL AGREEMENT WITH THE UNITED STATES MILITARY AUTHORITIES IN A PERIOD OF INTERNATIONAL TENSION AND IN WARTIME, THE BELGIAN AUTHORITIES WILL (1) ESTABLISH RESTRICTED ZONES, AND
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(2) SUPERVISE OR RESTRICT CONSTRUCTION, CULTIVATION, AND MOVE-
MENT IN THE VICINITY OF LOC FACILITIES MADE AVAILABLE TO THE
UNITED FORCES FOR THEIR USE.

E. THE SANITATION SERVICES OF THE UNITED STATES FORCES AND THE MOD WILL COOPERATE, WHEN NECESSARY, IN THE STUDY AND ADOPTION OF METHODS PERTAINING TO THE MAINTENANCE OF ADEQUATE SANITARY CONDITIONS IN AREAS NEIGHBORING ON LOC FACILITIES MADE AVAILABLE TO UNITED STATES FORCES.

F. THE UNITED STATES FORCES PRESENT IN BELGIUM FOR PURPOSES OF THE BASIC AGREEMENT OF JULY 1971, MAY ESTABLISH, MAINTAIN, AND OPERATE POST OFFICES; MILITARY FINANCIAL SERVICES; UNIT MESSES: OFFICERS' MESSES: COMMISSARIES: SOCIAL CENTERS: AND RECREATIONAL

AREAS.

G. UNITED STATES FORCES PRESENT IN BELGIUM FOR PURPOSES OF THE BASIC AGREEMENT OF JULY 1971, ARE AUTHORIZED TO USE THE FACILITIES AT ALL OF THE UNITED STATES ARMED FORCES SHOPPING CENTERS THAT MAY EXIST IN BELGIUM. UPON SIMPLE ALERT THE UNITED STATES ARMED FORCES WILL BE AUTHORIZED TO ESTABLISH, MAINTAIN, AND OPERATE SHOPPING CENTERS (INCLUDING PXS) AT A LIMITED NUMBER OF LOCATIONS AND UNDER SUCH CONDITIONS AS MAY BE MUTUALLY AGREED UPON. THESE SHOPPING CENTERS, AND PXS, WILL OPERATE IN ACCORDANCE WITH THE PROVISIONS OF THE EXCHANGE OF NOTES BETWEEN THE UNITED STATES AND BELGIUM DATED 29 SEPTEMBER AND 25 OCTOBER 1967, PERTAINING TO THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A SHOPPING CENTER AT CHIEVRES FOR UNITED STATES PERSONNEL. THE ESTABLISHMENT, MAINTENANCE, AND OPERATIONS OF THESE FACILITIES ON BELGIAN MILITARY INSTALLATIONS WILL BE COORDINATED WITH THE APPROPRIATE BELGIAN INSTALLATION COMMANDER.

4. THE PRESENT AGREEMENT SHALL BECOME EFFECTIVE ON THE DATE THAT THE LAST SIGNATURE IS AFFIXED TO IT. IT SHALL REMAIN IN EFFECT FOR THE DURATION OF THE BASIC AGREEMENT OF JULY 1971. IT MAY BE REVISED AT THE REQUEST OF EITHER PARTY. END TEXT. STRAUZ- HUPE

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*** Current Classification *** CONFIDENTIAL

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